

2017

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The Newfoundland-Canada Relationship Through the Lens of Legal History: Imitation, Influence, or Indifference?

Philip Girard

Newfoundland legal history has tended to focus on the period prior to the achievement of representative government in 1832 and the existing literature dealing with more recent times is somewhat sporadic.¹ Nor is there yet any comprehensive overview of Canadian legal history. This makes any effort to consider links between the two somewhat premature and necessarily impressionistic. Thus this paper will focus on the attitude of Newfoundland's legal community towards the law of Canada as revealed in judicial decisions, legislation, and trends within the legal profession, from 1869, when the Newfoundland electorate soundly rejected Confederation with Canada, until a decade or two after it eventually accepted union with Canada in 1949. My title suggests three possible stances: did Newfoundland imitate Canadian law? Even if it did not, was Canadian law nonetheless influential? Or conversely, was Newfoundland largely indifferent to Canadian law, choosing to go its own way? Of course these attitudes may vary over time, and as between different areas of law. My title assumes that such influences ran only one way, from Canada to Newfoundland, rather than the reverse; and while there were some instances of Newfoundland legal innovations being adopted elsewhere in Canada during this period, it is likely that such examples were rare.²

The first problem to be faced is that Newfoundland and Canada did not exist in a closed legal universe. In fact both looked to England during the later 19th and early 20th century for many legal innovations, while the Canadian provinces also looked to American authority and to the law of other dominions within the Empire.³ Responsible government afforded both Newfoundland and the Canadian provinces a high degree of autonomy to order their legal systems as they thought best, and even if the English example remained predominant for reasons of history and culture, it was the never the only influence on local law.

We will first consider trends in the case law, followed by selected examples of legislative innovation in order to investigate Newfoundland attitudes to Canadian law.

Fortunately Krista Atkins has done an excellent study of trends in citation of English and Canadian authority by the Newfoundland Supreme Court and Court of Appeal pre and post Newfoundland's entry into Confederation.⁴ She found recourse to Canadian precedent to fall into three periods. First, between 1932 and 1944, there was some passing reference to Canadian authorities but English precedent was definitely dominant, and even those Canadian cases cited tended themselves to be based on English authority. Between 1944 and 1949 Atkins found considerably more interest in Canadian authority, and, perhaps more importantly, some overt discussion about the role of Canadian precedent. In a 1947 case dealing with the nature of the possession required to assert possessory title, Justice Winter observed that

For legal precedents and authority on what amounts to possession in such cases it is not very helpful to consult English decisions where the nature and tenure of land is so different from our own; but conditions in Canada are very similar and Mr. Higgins counsel for the appellant cites a number of Canadian cases which seem most pertinent.⁵

Chief Justice Emerson went further, stating that

in our neighbouring Dominion, where conditions exist which closely resemble those in this country the overwhelming weight of judicial authority adheres to the general principle that in order to establish a title to possession there must be a well defined area, and an actual and visible occupation. Whilst these authorities are not binding on our Courts, their persuasive value in a case of this nature cannot be ignored.⁶

In the decade after 1949, the Newfoundland Supreme Court rapidly adjusted to the new reality, and by 1956, Atkins writes, "Canadian decisions were accepted as the primary source of the law."⁷ This evolution happened in spite of the fact that Canadian case law reports seem not to have been easily available to the judges. In a 1949 case, Justice Dunfield "commented that the court did not have the actual reports, but only the headnotes in the *Canadian Abridgment*."⁸ One of the cases mentioned was reported in the *Dominion Law Reports*, which suggests that prior to 1949 even that basic report series was not available to the judges.

This in turn makes one reflect on how it was that Canadian authorities came to be cited at all in the period prior to 1949, when Atkins observes an increasing interest in them on the part of the judges. She notes that the judges occasionally singled out the

lawyers as having cited particular Canadian authorities, and they presumably supplied copies of the same to the judges. Some lawyers, such as Philip Joseph Lewis, were more prominent in this regard than others, and this led me to investigate the careers of the lawyers active in the Supreme Court at this time. Recourse to non-Newfoundland precedent is likely to have been initiated by the lawyers, and thus they, more than the judges, were the real vectors of Canadian influence.

A pattern rapidly became evident: many of the “Canadianist” lawyers, as they will be called here, had attended Dalhousie Law School. They were Newfoundlanders, to be sure, but these were men who had sought out university legal education in Nova Scotia and then returned to the island to pursue their careers. Several of them went into politics, some were involved in the Confederation movement, and some were later appointed to the bench. Richard Anderson Squires served two terms as premier of the Dominion of Newfoundland in the 1920s and 30s. Alfred Bishop Morine became minister of justice in 1919, Samuel Jacob Foote minister of finance in 1928, Frederick Gordon Bradley solicitor general in 1929, and Harold George Puddester deputy attorney general in the 1940s. Philip Joseph Lewis was a long-serving MHA while Alfred Joseph Walsh became chief justice of Newfoundland in 1949. At Dalhousie, these future leaders would have been exposed to case law and legislation from across Canada and elsewhere, providing a counter-weight to the highly English-inflected Newfoundland legal order.⁹

It did not take long after the establishment of Dalhousie Law School in 1883 for the Newfoundland connection to become established, although the Newfoundland Law Society was not at first receptive to the idea. This can be seen from the experience of Dalhousie graduate A. B. Morine when he applied to be admitted in Newfoundland in 1893-94. Morine was a Nova Scotian whose first career was in journalism; he came to the island as editor of the St. John's *Evening Mercury* around 1880 and was elected a member of the House of Assembly in 1886. However he returned to Nova Scotia to attend Dalhousie Law School as a mature student in 1892. It was possible at the time to enter the law school without prior university experience and to get one's degree in two years, which he did. He then petitioned the Law Society of Newfoundland to recognize his degree and admit him as a solicitor, which that body declined to do, on the ground that recognition of the Dalhousie degree would disadvantage graduates of British universities, who had to spend at least three years to get a degree. However, he managed to pursue a variety of avenues to get this decision reversed and was eventually admitted as a barrister and solicitor in the Dominion of Newfoundland, and after that Newfoundlanders had no problem having their Dalhousie degrees recognized back home.¹⁰

Morine's later career illustrates constant connections with the Canadian legal world. He moved to Toronto in 1906 and would stay there until 1912, during which time he practised law and wrote a treatise on Canadian mining law.¹¹ He returned to Newfoundland, then went back to Toronto in the 1910s for a few years, then back to Newfoundland for a further decade in politics and law before finally settling in Toronto in the late 1920s for good.

After Morine's graduation in 1894, 32 more Newfoundlanders graduated from Dal Law down to 1948 inclusive. The numbers were not large but they were steady, about one a year from 1922 onwards. The Confederation year of 1949 itself was something of an *annus mirabilis*, with six Newfoundlanders graduating from Dalhousie, a number not replicated until 1968. While a few of these graduates left Newfoundland permanently, such as Gordon Cowan, who later became Chief Justice of the Trial Division of the Supreme Court of Nova Scotia, they were exceptions. Almost all returned to Newfoundland, and they formed a very important legal linkage with the mainland in the decades before Confederation.

The trajectories of these lawyers conform closely to Malcolm MacLeod's findings about patterns in post-secondary education of Newfoundlanders in general. It was not possible to get a post-secondary degree in Newfoundland until 1950, hence university education always had to be sought outside the jurisdiction. Prior to 1900 Britain was the venue of choice but in the first decade of the 20th century, the balance tipped in favour of Canada and never looked back.¹² Of the fourteen cases mentioned by Atkins as citing Canadian precedent, eleven featured at least one Dalhousie graduate as counsel. While association is not equivalent to causation, this is strong circumstantial evidence that the presence of Canadian-trained counsel helped to lay the groundwork for the turn towards Canadian jurisprudence that was so evident in the 1940s and 50s.

Where Newfoundlanders were *not* going for university legal education was just as important as where they were going. Maritimers discovered Harvard Law School in the 1840s and went there in large numbers over the 19th century, tapering off somewhat in the twentieth after law schools were established at Dalhousie and UNB. Over 200 Maritimers attended Harvard Law between 1848 and 1929, but only one Newfoundlander did so.¹³ This meant that the United States did not emerge as a secondary legal metropolis for Newfoundland as the ties with Britain frayed, while Canada did in the decades before 1949.¹⁴

To sum up on the patterns in the case law, then, we see a tradition of indifference to Canadian law shifting fairly rapidly to, if not imitation, at least acknowledgment of a strong influence exerted by Canadian law prior to and immediately after 1949. Within a decade or so Canada had replaced England as the primary legal metropolis, although the fact that much Canadian precedent grew out of English authority no doubt helped ease this transition. To be sure, devotion to Newfoundland's own case law remained strong among judges and lawyers, and the fact that a university law degree was not compulsory prior to call to the bar until 1977 meant that many lawyers were steeped mainly in local law.¹⁵ However, a corner had been turned in the 1940s, and Newfoundland jurists would never again be as indifferent to Canadian jurisprudence as they had been in earlier decades.

Turning to trends in legislation, here we see an interest in Canadian legislation emerging rather earlier than with the case law. Newfoundland traditionally looked to England for legislative models, and as in the rest of Canada, sometimes adopted English legislation even if there had been no strong local demand for it. But it also displayed an interest in some Canadian innovations. As it is impossible to examine every area of law, this survey will be restricted to three areas where Canadian mainland law diverged from English law: divorce law, employers' liability law, and immigration law. With regard to divorce law, we will compare the Newfoundland and Canadian reactions to the English *Matrimonial Causes Act* 1857, which introduced judicial divorce for the first time in England. With regard to employers' liability law, we will examine an area of Canadian innovation which presented Newfoundlanders with a choice: would they adopt the Canadian innovation of a workers' compensation board or stick with the English position of a primarily private law remedy? And with regard to immigration law, we will examine whether Newfoundland followed patterns of Canadian legislation restricting Chinese immigration in the late 19th and early 20th centuries.

As is well known, Newfoundland and Quebec were the only two provinces not possessing judicial divorce when the *Divorce Act* 1968 revolutionized divorce law in this country. However, if we go back to the origins of judicial divorce in Canada, we will see that Newfoundland was not such an outlier as might be supposed. The Maritimes legislated judicial divorce in the 18th century (Nova Scotia and New Brunswick) and early 19th (PEI), based on New England precedents. English law itself recognized only parliamentary divorce until the *Act of 1857* just mentioned. The Canadas were united at that time but its legislature could have adopted that act for either Canada West or Canada East or both; but it did not, such that at the time of the original con-

federation in 1867, both Ontario and Quebec possessed only legislative divorce. Divorce became federal but the reluctance of the federal government to introduce national legislation for over a century is well known. However, Parliament would accede to a request from a province to introduce judicial divorce for that province. Newfoundland after 1949 and Quebec never made such a request, but Ontario did not either until 1930, meaning that for over 70 years after the passage of the *English Act* of 1857, Newfoundland, Ontario and Quebec all shared a common, and uncommonly restrictive, divorce regime. Even in the Maritime provinces, where judicial divorce was recognized in theory, it was very rarely granted in practice; in Nova Scotia, for example, rarely were more than two divorces granted in a given year at the end of the 19th century¹⁶; meanwhile in Canada as a whole the 1901 census revealed exactly eleven divorces granted in that year.¹⁷ It is true that Newfoundland's divorce environment was even more restrictive than the mainland in that its legislature did not grant parliamentary divorces even though it had the theoretical power to do so, and its courts did not even accept that they could grant a judicial separation until just prior to Confederation in 1948.¹⁸ However, when compared with the growing liberalization of divorce in England and the United States in the 19th and early 20th centuries, we can see that the legal culture of divorce was very similar as between Newfoundland and the Canadian mainland almost down to 1949.¹⁹ After 1949, when parliamentary divorce became a possibility for Newfoundlanders, they sought them out at rates only slightly lower than the Canadian population in general.²⁰

Turning to my second topic, employers' liability law was chosen for investigation because of the emergence of a system of workers' compensation in Ontario in 1914 and the other provinces thereafter that represented a clear break with the English tradition of employers' liability legislation.²¹ This divergence provided Newfoundlanders with a choice: would they stick with the English model, or adopt the new Canadian innovation? A bit of background is necessary to appreciate these developments. Employer's liability for workplace accidents was traditionally fault-based, but employee recovery was rendered very difficult by the unholy trinity of defences available to employers: the fellow servant rule, contributory negligence, and voluntary assumption of risk. The *English Employers' Liability Act 1880* retained fault-based liability but abolished the fellow servant rule and also made the employer liable for injury or death caused to an employee through any defect in equipment or machinery. It was adopted in Ontario in 1886, in Newfoundland in 1887, and in most of the other common law provinces around the same time.²² The 1880 Act was replaced by the *English Workmen's Compensation Act of 1897*, which eliminated the need for injured employees to prove fault provided they

could prove they had been injured at work. It did not oblige the employer to obtain insurance, nor did it set up a tribunal to administer the act. The scheduled benefits were set at about half the wages lost, although employees were free to reject those and sue in the ordinary courts for their full loss. It was Germany that pioneered a state insurance scheme funded by employer levies and administered by a state agency, and it was this model that Ontario adopted in 1914, Nova Scotia in 1915, and all the other provinces including Quebec in later years. Canada thus broke decisively with the more voluntaristic English scheme.

Newfoundland enacted legislation similar to the English act of 1897 in 1908, but did not display any immediate interest or awareness of the Ontario act of 1914.²³ However, a decade later that began to change. An unusual pairing of men took an interest in the workers' compensation issue, and decided that the Ontario/Canadian model was the way to go. Those men were Joey Smallwood and William J. Browne. Smallwood's interest arose while he was writing for a socialist newspaper in New York in the first half of the 1920s. During legislative debate years later he recalled that time as follows:

I don't remember what made me particularly interested in it, but interested I did become to the extent that I wrote to virtually every Government in the world asking them to send me a copy of their Workmen's Compensation Act, each of them. I received them [and] over a period of about twelve months, I gathered together what I say now was a very remarkable collection of the Labour Laws of all lands of the earth, in all kinds of languages.²⁴

William Browne couldn't have been more different: while not from the St. John's elite, he came from a comfortable middle class background. With the aid of a scholarship he completed a BA at the University of Toronto and studied law at Oxford, where he was Newfoundland's Rhodes Scholar for 1919. Called to the Newfoundland bar in 1922, he had already gained a seat in the legislature by 1924, and quickly took up the cause of workers' compensation.²⁵ He travelled to Nova Scotia to examine the operation of its workers' compensation system, and drafted a bill modelled on it in 1926. The bill was mentioned in the throne speech of that year, but its young backbencher draftsman was destined for disappointment in "the colony of unrequited dreams." The government of which Browne was a part was not especially pro-labour; it did raise benefit levels under the existing workers' compensation scheme but did not pass Browne's bill. And there matters rested until after Confederation.

Joey Smallwood made workers' compensation an important plank in the platform of his first government, which passed a law based squarely on the Canadian model in 1950; it remains the basis of current law. Employers did not put up much of a fuss because by 1953 the costs amounted to about 1.6% of payroll, where they stayed for decades.²⁶ On the surface this was a case of sudden imitation of Canadian law, but clearly the groundwork had been laid decades before. Newfoundlanders were aware of an important Canadian innovation, and it was not adopted in 1926 for broadly political reasons, not because its Canadian origins were thought to make it unsuitable.

Finally, we will consider briefly a less benign topic, the anti-Chinese immigration laws. As is well known, once the Canadian Pacific Railway was completed in 1885, the Canadian government imposed a head tax of \$50 on each Chinese person entering the country in order to discourage further Chinese immigration. The amount was doubled to \$100 in 1900 and to \$500 in 1903. After 1914 Chinese immigration to Canada dropped precipitously and after the *Chinese Exclusion Act of 1923* it virtually ceased.²⁷ Newfoundland followed this legislative pattern very closely. Chinese immigrants began to arrive in Newfoundland in the 1890s and engaged mostly in the laundry business as at that point there were no commercial laundries in St. John's. By the turn of the century there began to be an outcry against these new arrivals, although some supporting voices could also be heard on occasion. In 1904 the first attempt to impose a head tax was introduced in the House of Assembly. The proponent alleged that the arrival of Chinese labourers had created "chaos" in the United States, Canada, South Africa and Australia, and that Newfoundland must not delay in moving to keep them out.²⁸ This attempt failed but the next, in 1906, succeeded. The House of Assembly wanted to set the head tax at the Canadian rate of \$500 per person, but the upper house reduced it to \$300 and that was the form in which it was passed. In other respects the Act was a virtual copy of the *Canadian Act of 1903*, with a few necessary adaptations to the Newfoundland context.²⁹ The Chinese in St. John's were subjected to physical violence and their property attacked in the wake of the 1906 Act and physical harassment of the Chinese continued into the 1930s at least. Newfoundland did not enact legislation similar to the *Canadian Act of 1923* but presumably the *Act of 1906* was sufficient to deter most of those Chinese who wished to settle in Newfoundland down to 1949, when the head tax disappeared upon the entry of the province into Confederation, Canada having removed its own head tax only two years before. In this area of legislation, Newfoundland was only too happy to follow the Canadian lead.

Conclusion

Newfoundlanders' rejection of union with Canada in 1869 did not lead to a rejection of all Canadian influences in the legal sphere. If English case law continued to dominate the mindset of Newfoundland lawyers and judges until the 1930s, it did so in Canada as well, and this common allegiance was in itself a bond that could be built upon later. Some Newfoundlanders, such as W.J. Browne, studied law in England, but almost none studied in the U.S., leaving Canada as an important venue for university legal education. And even the English-trained Browne, as we have seen, was familiar with the Nova Scotia law of workers' compensation and wanted to introduce it into Newfoundland. The road to Dalhousie fostered a familiarity with Canadian law that arguably eased the transition into Confederation. Although much of Newfoundland's legal order remained and remains distinctive, this familiarity meant that when reform was contemplated, Canadian models could be seriously considered. Canadian models were not always ideal from a modern standpoint, as the anti-Chinese immigration legislation demonstrates, but their uptake in Newfoundland shows the existence of legal linkages that did indeed "connect the dots" between the island and the mainland long before 1949.

Endnotes:

I would like to thank Nareh Ghalustians for her research assistance in the preparation of this paper.

- ¹ The best overview is Christopher English, “The Legal Historiography of Newfoundland” in Christopher English, ed., *Essays in the History of Canadian Law IX, Two Islands: Newfoundland and Prince Edward Island* (Toronto: University of Toronto Press for the Osgoode Society for Canadian Legal History, 2005).
- ² Sean T. Cadigan, *Newfoundland & Labrador: A History* (Toronto: University of Toronto Press, 2009), 146, states that the Canadian Government imitated Newfoundland’s whaling legislation of 1902, but that is the only example I have run across to date.
- ³ Philip Girard, “British Justice, English Law, and Canadian Legal Culture” in Phillip Buckner, ed., *Canada and the British Empire* (Oxford University Press, 2008); G. Blaine Baker, “The Reconstitution of Upper Canadian Legal Thought in the Late-Victorian Empire” (1985) 3 *Law & Hist Rev* 219; on the influence of Commonwealth legislation, see Jeremy Finn, “Australasian Law and Canadian Statutes in the Nineteenth Century: A Study of the Movement of Colonial Legislation between Jurisdictions” (2002) 25 *Dal LJ* 169.
- ⁴ “‘This is what the others have done’: the Impact of Confederation on the Use of Precedent in Newfoundland Supreme Court Decisions from 1932-1958” (2008) 17 *Dal J Leg Stud* 41.
- ⁵ *White v Lewis* (1947), 16 Nfld LR 95 at 103.
- ⁶ *Ibid*, 100-101.
- ⁷ Atkins, “The Impact of Confederation,” 64.
- ⁸ *Ibid*, 65.
- ⁹ A list of Newfoundland graduates of Dalhousie Law School during its first century was compiled with the aid of Christian Wiktor, comp., *Dalhousie Law School Register, 1883-1983* (Halifax: Dalhousie Law School, 1983). The listing notes the home town of each graduate.
- ¹⁰ Rupert W. Bartlett, “The Legal Profession in Newfoundland” in J.R. Smallwood, ed., *The Book of Newfoundland* (St. John’s: Newfoundland Book Publisher, 1967).
- ¹¹ A.B. Morine, *The Mining Law of Canada* (Toronto: Canada Law Book, 1909).
- ¹² Malcolm MacLeod, “Students Abroad: Pre-Confederation Educational Links Between Newfoundland and the Mainland of Canada” (1985) 20 *Canadian Historical Association Historical Papers* 172.
- ¹³ Philip Girard, “The Roots of a Professional Renaissance: Lawyers in Nova Scotia, 1850-1910” (1991) 20 *Man LJ* 148 at 164-66. Prior to 1920 the demand was largely for undergraduate legal education (LLB), but after 1920, graduate legal education was more in demand.
- ¹⁴ In Nova Scotia, where the US was already ensconced as a secondary legal metropolis, after Britain, prior to 1867, Bernard Hibbitts found that Canada, and more particularly Ontario, displaced it as a secondary legal metropolis in the post-Confederation period: “Her Majesty’s Yankees: American Authority in the Supreme Court of Nova Scotia, 1837-1901” in Philip Girard, Jim Phillips and Barry Cahill, eds., *The Supreme Court of Nova Scotia, 1754-2004: From Imperial Bastion to Provincial Oracle* (Toronto: University of Toronto Press for the Osgoode Society for Canadian Legal History, 2004).

Discourse and Discovery

- ¹⁵ The *Law Society Act*, 1977, SN 1977, c 77, s 38 for the first time made possession of a Canadian law degree or its equivalent a prerequisite to enrolling as a student-at-law. A 1964 amendment to the *Law Society Act*, SN 1964, no 17, s 2, had made a university degree (i.e., other than a law degree), a requirement for the first time. It gave an advantage to law degree holders by requiring only nine months' articling for them, but holders of university degrees in disciplines other than law could still qualify if they articulated for three years. See also *Button v Law Society of Newfoundland* (1986) 71 Nfld & PEIR 39 (NLCA). I thank Francis O'Brien of the Law Society for assistance in establishing this chronology.
- ¹⁶ Kimberley Smith Maynard, "Divorce in Nova Scotia, 1750-1890" in Philip Girard and Jim Phillips, eds., *Essays in the History of Canadian Law III: Nova Scotia* (Toronto: University of Toronto Press for the Osgoode Society, 1990), 246.
- ¹⁷ James G. Snell, *In the Shadow of the Law: Divorce in Canada, 1900-1939* (Toronto: University of Toronto Press, 1991), 9. I once calculated that the divorce rate in the US in 1900 was 5000 times higher than Canada's.
- ¹⁸ Christopher English and Sarah Flaherty, "What is to be done for failed marriages? The Supreme Court and the Recovery of Jurisdiction over Marital Causes in Newfoundland in 1948" (2003) 19 *Newfoundland & Labrador Studies* 297.
- ¹⁹ Philip Girard with Jim Phillips, "Re-thinking 'the Nation' in National Legal History: A Canadian Perspective" (2011) 29 *Law & Hist Rev* 607.
- ²⁰ These can be calculated from the annual volumes of individual divorce acts published as appendices to the Statutes of Canada, wherein the residence of the parties is almost invariably noted.
- ²¹ R.C.B. Risk, "'This Nuisance of Litigation': the Origins of Workers' Compensation in Ontario, in D.H. Flaherty, ed., *Essays in the History of Canadian Law II* (Toronto: University of Toronto Press for the Osgoode Society, 1982).
- ²² *Employers' Liability Act*, SN 1887, c 13. See generally Eric Tucker, "The Law of Employers' Liability in Ontario, 1861-1900: The Search for a Theory" (1984) 22 *Osgoode Hall LJ* 213.
- ²³ *An Act with respect to compensation to Workmen for Injuries suffered in the course of their Employment*, SN 1908, c 4. On what follows, see Mike Rose, "A History of Employer Liability and Workers' Compensation Laws in Newfoundland from 1887 to 1993" (MA thesis, Memorial University of Newfoundland, 2008).
- ²⁴ House of Assembly *Proceedings*, 11 April 1950, 608, as cited in Rose, "A History of Employer Liability," 68-69.
- ²⁵ W.J. Browne, *Eighty-four Years a Newfoundlander: Memoirs of William J. Browne, vol. II, 1949-1965* (St. John's: Dicks & Co, 1981), 145-47.
- ²⁶ Rose, "A History of Employer Liability," 109.
- ²⁷ Constance Backhouse, "Legal Discrimination against the Chinese in Canada: The Historical Framework," in David Dyzenhaus and Mayo Moran, eds., *Calling Power to Account: Law, Reparations, and the Chinese Canadian Head Tax Case* (Toronto: University of Toronto Press, 2005).
- ²⁸ Robert G. Hong, "Newfoundland's 1906 Chinese Head Tax," <http://www.heritage.nf.ca/articles/society/chinese-head-tax.php>.
- ²⁹ *An Act respecting the Immigration of Chinese Persons*, SN 1906, c2; minor amendments were effected by SN 1907, c 14.

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